

**2013-2014 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2184/2ins  
MGG:.....

**Insert 4-23**

(d) The department shall maintain a list of the ordinances that are enforceable under par. (b) and of the amendments that are enforceable under par. (c). The list shall be accessible to the public in electronic format, and shall include electronically photographed or scanned copies of the ordinances and amendments.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2184/2dn

MGG: j...

- Date -

I had to take out the titles to the paragraphs under s. 101.02 (7r) because our drafting conventions require that there be no paragraph titles when the subsections in a section do not have titles.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215  
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**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2184/2dn  
MGG:sac:jm

August 16, 2013

I had to take out the titles to the paragraphs under s. 101.02 (7r) because our drafting conventions require that there be no paragraph titles when the subsections in a section do not have titles.

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215  
E-mail: mary.gibson-glass@legis.wisconsin.gov

## Changes to LRB 2184/2

(January 14, 2014)

### Section 2

- X 1. Page 3, line 22: Delete "*repair, or maintenance*"
- X 2. Page 4, line 2: Delete "*repair, or maintenance*"
- See e-mail 3. Page 4, line 19: Delete "*proposed*" and replace with "*enacted*"
- ✓ 4. Page 4, lines 17 and 18 – relating to amending a grandfathered ordinance:  
Page 4, line 9: after "*suppression*" add "*components of buildings*"  
Page 4, line 17: after "*ordinance*" insert "*to additional components as specified in par. (b) 3.*"  
Page 4, line 18: delete line 18 and replace with "*the specific subject matter regulated by the ordinance.*"  

Systems component
- ✓ With these proposed changes (b) 3. on page 4 would read: *The ordinance relates to fire detection, prevention, or suppression components of buildings.* And (c) 1. on page 4 lines 17 and 18 would read: *"The amendment will not broaden the applicability of the ordinance to additional components as specified in par. (b) 3., or change the specific subject matter regulated by the ordinance.*
- ✓ 5. Page 5, line 2: After that line insert — "*The department shall make an amendment submitted under par. (c) 2. accessible to the public in electronic format within 10 working days of receiving the amendment.*"

### Section 3

- ✓ 1. Page 5, lines 12-15: Delete the sentence "*The council shall identify ... created by building and population densities.*"

### Section 4

- ✓ 1. Page 5, line 20: Delete "*A contractor*" and replace with "*An owner*"
- ✓ 2. Page 5, line 20: Delete "*applying for a building permit*"
- ✓ 3. Page 5, line 21: [Add language clarifying that the department grants variances except where there is a city of the 1st or 2nd class that has been certified to perform reviews and determine variances]

## Section 12

1. Page 7, line 11 Delete "repair, or maintenance"

2. Certification of inspectors:

### **Section 101.12 (4) of the statutes is created to read:**

101.12 (4) <sup>a</sup> (1) Except as provided under subs. (2), (3) and (4), any inspection performed to determine compliance with the building code rules promulgated by the department that relate to the construction of public buildings and buildings that are places of employment may be performed only by a person who is certified under rules promulgated by the department to make such inspections. — bldg. rules already in

out maintenance  
no longer covered

(b) (3) Inspections performed to determine compliance with municipal ordinances regarding only property maintenance may be performed by persons deemed qualified by the municipality.

(c) (3) Inspections performed in accordance with s. 101.14 (2) (b) may be performed by persons designated under s. 101.14 (2) (d).

delayed  
off.  
date

(d) <sup>(a)</sup> (4) The provisions of sub. (a) related to inspections performed to determine compliance with building code rules dealing with fire alarm systems, fire detection systems and fire suppression systems go into effect on the first day of the 37<sup>th</sup> month following the effective date of this bill (insert date upon printing).

instruction building

✓ (5) The department shall promulgate rules for the certification of inspectors of fire alarm, detection and suppression systems.

delayed

✓ (a) The rules shall require, as a condition of department certification, that each candidate hold a current certification from the National Fire Protection Association, as a Certified Fire Inspector 1 or equivalency equal to NFPA Certified Fire Inspector 1., as determined by the department.

✓ (b) The department shall work with the Wisconsin State Fire Chiefs Association and the National Fire Protection Association to provide training and certification opportunities throughout Wisconsin.

### **Other Note:**

1. While "repair and maintenance" is proposed to be deleted in Section 2 — it is purposefully left in Section 3 relating to building code council duties. There was general consensus that the advisory council should be authorized to make recommendations pertaining to department rules on repair and maintenance of public buildings.

## Gibson-Glass, Mary

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**From:** Duerkop, Nathan  
**Sent:** Thursday, January 30, 2014 3:56 PM  
**To:** Gibson-Glass, Mary  
**Subject:** RE: LRB-2184/2

Ok, I was a bit off. Under point (3) s. 101.14 (2) (b) refers to fire chiefs providing inspections while xxxxx (d) refers to first class cities which have building inspectors doing the work that fire chiefs do elsewhere. We're trying to say leave both of those alone. Meanwhile, under point (4) that is intended more to cover issues that will to be addressed by new rules that the department will have to promulgate. Hope that makes sense. I'm heading home early to get some extra rest but should be back in the office in the morning if we need to pick this up again. Thanks for your help – hope you feel better soon.

Nathan

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**From:** Duerkop, Nathan  
**Sent:** Thursday, January 30, 2014 3:18 PM  
**To:** Gibson-Glass, Mary  
**Subject:** RE: LRB-2184/2

I believe the change on p.4 l.19 could work from the context that we don't want notifications of "proposed" changes only real changes and we want enough warning that those changes are coming. Therefore the municipality would need to set their effective date out beyond 120 days in this type of situation. Call me with questions.

6-7511

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**From:** Duerkop, Nathan  
**Sent:** Thursday, January 30, 2014 2:01 PM  
**To:** Gibson-Glass, Mary  
**Cc:** Nelson, Scott  
**Subject:** RE: LRB-2184/2

Hi Mary,

Just wondering if you have a guess when we might be able to see the new draft on this? Let us know if you have any questions. Thanks!

Nathan

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**From:** Nelson, Scott  
**Sent:** Tuesday, January 28, 2014 12:09 PM  
**To:** Duerkop, Nathan; Gibson-Glass, Mary  
**Subject:** RE: LRB-2184/2

Mary,

Nathan is out sick, so, I am filling in for him on this project for the time being. The changes in the document that was attached to this e-mail originally need to be made to the draft. In addition, after the meeting, a couple other changes were identified. Here they are:

1. All of the deletions of "repair or maintenance" should include insertions of "addition or alteration"

2. The new section 101.12(4) should include in (5)(b) language that requires the department shall work with the NFPA to determine what other training and certification programs are "equivalent" to the programs provided by the NFPA.

The second addition will require some finessing because of the parties involved, but, I am sure we can get there. If you aren't sure what the goal is for that one, feel free to give me a call.

Thanks for your help.

*W. Scott Nelson*

Office of State Senator Terry Moulton  
23rd Senate District  
608-266-7511

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**From:** Duerkop, Nathan  
**Sent:** Tuesday, January 14, 2014 10:00 AM  
**To:** Gibson-Glass, Mary  
**Cc:** Nelson, Scott  
**Subject:** re: LRB-2184/2

Hello Mary,

First off I need to apologize for my email here today. I made a mistake and should have sent this to you quite some time ago. Now we have a meeting scheduled for tomorrow morning to discuss the "new draft" with the changes suggested in the attached document. I know this is pretty late notice, but if there's a chance you could get us said new draft by 9am tomorrow, we would really appreciate it! Thank you and sorry once again,

Nathan  
Office of Sen. Moulton

## Section 2

## construction

- Page 3, line 22 Delete "repair, or maintenance" and replace with "addition to, or alteration" \*
- Page 4, line 2 Delete "repair, or maintenance" and replace with "addition to, or alteration" \*
- Page 4, line 19 Delete "proposed" and replace with "enacted" To do ☐

## Section 3

- Page 5, lines 12-15 Delete the sentence "The council shall identify ... created by building and population densities." To do
- Page 5, line 20 Delete "contractor" and replace with "owner" To do
- Page 5, line 20 Delete "applying for a building permit" To do
- Page 5, line 21 [Add language clarifying that the department grants variances except where there is a city of the 1<sup>st</sup> or 2<sup>nd</sup> class that has been certified to perform reviews and determine variances] whoever does plan review is the one to grant variance

## Section 12

- Page 7, line 11 Delete "repair, or maintenance" and replace with "addition to, or alteration" \*

\* delete through except for council

wait for instructions re: broadening applicability language  
 \* need to pin down that amended ordinances remain at least as strict as rules



## **Gibson-Glass, Mary**

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**From:** Duerkop, Nathan  
**Sent:** Tuesday, October 29, 2013 11:34 AM  
**To:** Gibson-Glass, Mary  
**Subject:** LRB-2184 Uniform Commercial Code questions

Hello Mary,

Would you have time today or tomorrow for a conference call with me and a couple stakeholders on the UCC bill draft. They have some questions (below) that they are looking for clarification on and we're hoping you could talk us through them. What is a good time for you? Thank you,

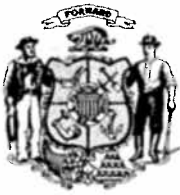
Questions/points of clarification re: LRB 2184:

1. The bill's impact on property maintenance code (I believe this was addressed by changes in language already, but want to clarify)
2. Section 4: clarify or make certain this does not mean an owner can modify a project to be less stringent (equivalent standard) than the state code
3. In what category could a fire sprinkler contractor serve on the newly created advisory council?
4. What happens to the existing process by which a project variance is obtained?

### ***Nathan Duerkop***

Chief of Staff  
Senator Terry Moulton  
23rd Senate District

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Direct: (608) 266-7511



State of Wisconsin  
2013 - 2014 LEGISLATURE



RMR

LRB-2184/3

MGG:sac:jm

D-N

2013 BILL

and granting rule-making authority

or  
constructing, <sup>or</sup> altering of  
and adding to.

1 AN ACT *to renumber* 101.12 (3) (am) 2. and 101.12 (3) (am) 4.; *to renumber and*  
2 *amend* 101.12 (3) (am) 1., 101.12 (3) (am) 3. and 101.12 (3) (am) 5.; *to amend*  
3 101.19 (1g) (am); and *to create* 15.407 (18), 101.02 (7r), 101.023, 101.024,  
4 101.12 (3) (bq), 101.12 (3m) (d) and 101.12 (4) of the statutes; **relating to:**  
5 ordinances, variances, and rules relating to the ~~construction, repair, and~~  
6 ~~maintenance of~~ public buildings and buildings that are places of employment,  
7 the creation of a building code council, and inspections of public buildings and  
8 buildings that are places of employment.

*Analysis by the Legislative Reference Bureau*

Insert ANL

With certain exceptions, current law requires the Department of Safety and Professional Services (DSPS) to establish reasonable standards or rules for the construction, repair, and maintenance of public buildings and buildings that are places of employment so as to render them safe. Pursuant to this requirement, DSPS has promulgated rules establishing such standards. This bill prohibits a city, village, or town from enacting or enforcing an ordinance that establishes minimum standards for the construction, repair, and maintenance of public buildings and buildings that are places of employment unless that ordinance strictly conforms to the rules promulgated DSPS. The bill creates an exception to this prohibition for

**BILL**

~~Ordinances establishing property maintenance codes~~ and for certain ordinances relating to fire detection, prevention, or suppression for buildings that are not multifamily dwellings and that were enacted before May 1, 2013.

The bill authorizes DSPS to grant a variance from a standard contained in a rule for a specific building, ~~maintenance, or repair~~ project for a public building or a place of employment if the department finds that the requested variance will impose an equivalent standard that meets the intent of the rule.

Under current law, DSPS must accept the examinations of essential drawings and specifications (plan examinations) for public buildings and buildings that are places of employment that have been performed by 1st class cities or by 2nd class cities that meet certain requirements relating to the competency of the persons performing the plan examinations. A 1st class city is one with a population of at least 150,000. A 2nd class city is one with a population of at least 39,000 but less than 150,000. Also under current law, DSPS must accept reviews and determinations by 1st class cities regarding variances for public buildings and buildings that are places of employment if the reviews and determinations are performed in a manner approved by DSPS. This bill requires that DSPS accept variance reviews and determinations by 2nd class cities that are certified by DSPS to perform plan examinations.

This bill creates a building code council (council) in DSPS to advise the department about issues related to the construction, repair, and maintenance of public buildings and buildings that are places of employment. The council consists of ten members, appointed by the governor for three-year terms. The membership includes local building inspectors, building contractors, architects, and persons representing the skilled building trades and the fire fighting profession.

The bill specifies that inspections of public buildings and buildings that are places of employment that relate to construction, repair and maintenance must be performed by inspectors who are certified under rules promulgated by DSPS.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

*The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:*

✓  
SECTION 1. 15.407 (18) of the statutes is created to read:

15.407 (18) BUILDING CODE COUNCIL. (a) There is created in the department of safety and professional services a building code council consisting of the following members appointed for 3-year terms:

1. Two members representing the skilled building trades, each of whom is actively engaged in his or her trade.

**BILL**

2. Two members representing local building inspectors, each of whom is authorized to do inspections under s. 101.12 (4) and who is employed by a city, village, or county.

3. Two members representing the fire services, each of whom is actively engaged in fire service work and at least one of whom is a fire chief.

4. Two members representing building contractors, each of whom is actively engaged in on-site construction of public buildings and buildings that are places of employment.

5. Two members representing architects, engineers, and designers, each of whom is actively engaged in the design or evaluation of public buildings and buildings that are places of employment.

(b) An employee of the department shall serve as nonvoting secretary of the council.

(c) The council shall meet at least 2 times annually.

(d) Six members of the council shall constitute a quorum. For the purpose of conducting business a majority vote of the council is required, except that at least 8 members of the council are required to vote affirmatively to recommend changes in the statutes or rules.

SECTION 2. 101.02 (7r) of the statutes is created to read:

101.02 (7r) (a) Notwithstanding sub. (7) (a), no city, village, or town may enact or enforce an ordinance <sup>constructing, altering or adding to</sup> establishing <sup>to</sup> minimum standards for the construction, repair, or maintenance of public buildings or buildings that are places of employment unless that ordinance strictly conforms to the applicable rules promulgated by the department under sub. (15) (j), except as provided in pars. (b) to (d).

## BILL

- 4

altering  
constructing, altering, or  
adding to

(b) Notwithstanding par. (a), a town, village, or city may enforce an ordinance establishing minimum standards for construction, repair, or maintenance of public buildings or buildings that are places of employment that does not strictly conform to the <sup>applicable state</sup> rules promulgated by the department under sub. (15) (j) if all of the following apply:

1. The ordinance was enacted before May 1, 2013.
2. The ordinance was published by the town, village, or city in the manner required under s. 60.80, 61.50, or 62.11 (4).
3. The ordinance relates to fire detection, prevention, or suppression.
4. The building is not a multifamily dwelling, as defined in s. 101.971 (2).
5. The ordinance is submitted to the department within 60 days after the effective date of this subdivision .... [LRB inserts date].
6. The department determines that the ordinance requires standards that are at least as strict as the rules promulgated by the department.

(c) A town, village, or city may amend an ordinance that is enforceable under par. (b) if all of the following apply:

1. The amendment will not broaden the applicability of the ordinance or change the subject matter of the ordinance.

3. The town, village, or city submits a copy of the proposed amendment to the department at least 120 days before the effective date of the amendment.

4. The town, village, or city publishes the enacted amendment in the manner required under s. 60.80, 61.50, or 62.11 (4) at least 120 days before the effective date of the amendment.

(d) The department shall maintain a list of the ordinances that are enforceable under par. (b) and of the amendments that are enforceable under par. (c). The list

components  
of buildings

to additional components  
of buildings that are  
not currently  
subject to the

enacted

INSERT  
4-18

## BILL

*constructing, altering, adding to,  
repairing, and maintaining*

shall be accessible to the public in electronic format, and shall include electronically photographed or scanned copies of the ordinances and amendments. *INSERT 5-2*

(e) Notwithstanding par. (a), a town, village, or city may enact and enforce an ordinance establishing a property maintenance code that is stricter than rules promulgated by the department under sub. (15)(j). *INSERT 5-5*

SECTION 3. 101.023 of the statutes is created to read:

**101.023 Building code council duties.** The building code council shall *relating to* review the rules *for construction, repair, and maintenance* of public buildings and buildings that are places of employment. The council shall consider and make recommendations to the department pertaining to these rules and any other matters related to *the construction, repair, and maintenance of* public buildings and buildings that are places of employment. The council shall identify, consider, and make recommendations to the department regarding variances in the rules for different climate and soil conditions and the variable conditions created by building and population densities. In preparing rules under this chapter that relate to public

buildings and to buildings that are places of employment, the department shall consult with the building code council. *An* (a) *An owner of a building*

SECTION 4. *101.12(3r) ✓* ~~101.024~~ of the statutes is created to read:

*move to p. 7* *plain* **101.024 Compliance with rules for public buildings and places of employment; variances.** *101.12(3r) ✓* A contractor applying for a building permit may request, and the department may grant, a variance from standards contained in a rule relating to *constructing, altering, and adding to* ~~construction, repair, and maintenance of~~ public buildings and buildings that are places of employment if the department finds that the requested variance will impose an equivalent standard that meets the intent of the rule.

**BILL****SECTION 5**

✓  
1       **SECTION 5.** 101.12 (3) (am) 1. of the statutes is renumbered 101.12 (3) (am) and  
2 amended to read:

3       101.12 (3) (am) Accept the examination of essential drawings, calculations and  
4 specifications in accordance with sub. (1) performed by a 2nd class city ~~in conformity~~  
5 ~~with the requirements of this paragraph that is certified pursuant to sub. (3m).~~

✓  
6       **SECTION 6.** 101.12 (3) (am) 2. of the statutes is renumbered 101.12 (3m) (a).

✓  
7       **SECTION 7.** 101.12 (3) (am) 3. of the statutes is renumbered 101.12 (3m) (b) and  
8 amended to read:

9       101.12 (3m) (b) A 2nd class city may apply for certification by the department  
10 ~~for the purposes of this paragraph~~ under this subsection if that city employs at least  
11 one architect or one professional engineer who has been granted a certificate of  
12 registration under s. 443.10. The department shall certify a 2nd class city when the  
13 department determines and certifies the competency of all examiners employed by  
14 the city. The department shall review the competency of the examiners of a city that  
15 is certified under this paragraph subsection on a regular basis and may revoke the  
16 certification of a city if the examiners do not meet standards specified by the  
17 department.

✓  
18       **SECTION 8.** 101.12 (3) (am) 4. of the statutes is renumbered 101.12 (3m) (c).

✓  
19       **SECTION 9.** 101.12 (3) (am) 5. of the statutes is renumbered 101.12 (3m) (e) and  
20 amended to read:

21       101.12 (3m) (e) The department shall by rule set fees, to be collected by the 2nd  
22 class city and remitted to the department, to meet the department's costs in enforcing  
23 and administering its duties under ~~this paragraph~~ sub. (3) (am) and this subsection.

✓  
24       **SECTION 10.** 101.12 (3) (bq) of the statutes is created to read:

**BILL**

1           101.12 (3) (bq) Accept the review and determination performed by 2nd class  
2 cities that are certified pursuant to sub. (3m) on variances for buildings if the  
3 variances are reviewed and decided on in a manner approved by the department.

4           **SECTION 11.** 101.12 (3m) (d) of the statutes is created to read:

5           101.12 (3m) (d) The department shall certify 2nd class cities to perform reviews  
6 and determinations of variances under sub. (3) (bq) if the 2nd class city has been  
7 certified for purposes of sub. (3) (b).

← MATERIAL FROM P 5  
INSERT 7-7

8           **SECTION 12.** 101.12 (4) of the statutes is created to read:

9           101.12 (4) (1) Any inspection performed to determine compliance with the  
10 building code rules promulgated by the department that relate to the construction,  
11 repair, and maintenance of public buildings and buildings that are places of  
12 employment may be performed only by a person who is certified under rules  
13 promulgated by the department to make such inspections.

← INSERT 7-13

14           **SECTION 13.** 101.19 (1g) (am) of the statutes is amended to read:

15           101.19 (1g) (am) The services specified by s. 101.12 (3) (am) and (bq) and (3m).

16           **SECTION 14. Nonstatutory provisions.**

17           (1) COUNCIL; TERMS OF INITIAL MEMBERS. Notwithstanding the length of terms  
18 specified in section 15.407 (18) (a) (intro.) of the statutes, as created by this act, the  
19 initial members of the building code council under section 15.407 (18) of the statutes,  
20 as created by this act, shall be appointed by the governor for the following terms:

21           (a) One member appointed under section 15.407 (18) (a) 2. of the statutes, as  
22 created by this act, one member appointed under section 15.407 (18) (a) 3. of the  
23 statutes, as created by this act, one member appointed under section 15.407 (18) (a)  
24 4. of the statutes, as created by this act, and one member appointed under section



**BILL****SECTION 14**

1 15.407 (18) (a) 5. of the statutes, as created by this act, for terms expiring on July 1,  
2 2017.

3 (b) One member appointed under section 15.407 (18) (a) 1. of the statutes, as  
4 created by this act, one member appointed under section 15.407 (18) (a) 2. of the  
5 statutes, as created by this act, and one member appointed under section 15.407 (18)  
6 (a) 4. of the statutes, as created by this act, for terms expiring on July 1, 2016.

7 (c) One member appointed under section 15.407 (18) (a) 1. of the statutes, as  
8 created by this act, one member appointed under section 15.407 (18) (a) 3. of the  
9 statutes, as created by this act, one member appointed under section 15.407 (18) (a)

10 5. of the statutes, as created by this act, for terms expiring on July 1, 2015.

11 (END)

**2013-2014 DRAFTING INSERT**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2184/3ins  
MGG:.....

1

**Insert ANL**

With certain exceptions, current law requires the Department of Safety and Professional Services (DSPS) to establish reasonable standards or rules for the construction of public buildings and buildings that are places of employment (public buildings). Pursuant to this requirement, DSPS has promulgated rules establishing these construction standards. Also, the rules promulgated by DSPS require that DSPS review the construction plans for public buildings. In addition to reviewing new construction projects, the rules require that DSPS review, with limited exceptions, building projects that involve alterations of, and additions to, existing public buildings.

This bill prohibits a city, village, or town from enacting or enforcing an ordinance that establishes minimum standards for the construction or alteration of, or additions to, public buildings unless that ordinance strictly conforms to the rules promulgated by DSPS. The bill creates an exception to this prohibition for ordinances relating to fire detection, prevention, or suppression (fire safety) for public buildings that are not multifamily dwellings and that were enacted before May 1, 2013.

Under current law, DSPS must accept the examinations of essential drawings and specifications (plan examinations) for public buildings that have been performed by first class cities or by second class cities that meet certain requirements relating to the competency of the persons performing the plan examinations. A first class city is one with a population of at least 150,000. A second class city is one with a population of at least 39,000 but less than 150,000. Also under current law, DSPS must accept reviews and determinations by first class cities regarding variances for public buildings if the reviews and determinations are performed in a manner approved by DSPS. This bill requires that DSPS accept variance reviews and determinations by second class cities that are certified by DSPS to perform plan examinations.

The bill authorizes DSPS to grant a variance from a standard contained in a rule for a specific project for the construction or alteration of, or an addition to, a public building if DSPS finds that the requested variance will impose an equivalent standard that meets the intent of the rule. However, DSPS may not grant a variance for a public building that is located in a first class or second class city that is authorized to perform plan examinations.

\* This bill creates a building code council (council) in DSPS to advise ~~the~~ DSPS about issues related to the construction, repair, and maintenance of public buildings. The council consists of ten members, appointed by the governor for three-year terms. The membership includes local building inspectors, building contractors, architects, and persons representing the skilled building trades and the fire fighting profession.

\* The bill specifies that inspections of construction, alteration, and addition projects for public buildings, other than inspections of the installation of fire safety devices, must be performed by inspectors who are certified under rules promulgated by DSPS. The bill requires DNR to promulgate separate rules establishing

requirements for inspections of fire safety devices that are being installed as part of these projects.

**Insert 4-18**

1. The amendment will not broaden the applicability of the ordinance to any building components that are not subject to the ordinance under par. (b) 3.

2. The amendment will not change the specific subject matter regulated by the ordinance.

**Insert 5-2** The department shall make a copy of any amendment submitted to the department under par. (c) <sup>2-3</sup> accessible to the public on the department's Internet site.

**Insert 5-5**

**SECTION 1.** 101.02 (15) (j) of the statutes is amended to read:

101.02 (15) (j) The department shall ascertain, fix and order such reasonable standards or rules for ~~the construction, repair and maintenance of places of employment and~~ constructing, altering, adding to, repairing, and maintaining public buildings, ~~as shall~~ and places of employment in order to render them safe.

**Insert 7-7**

(b) Notwithstanding par. (a), the department may not grant a variance if the construction, alteration, or addition will be located in a city for which the department is required to accept and review determinations on variances under s. 101.12 (3) (bm) or (bq).

**Insert 7-13**

**SECTION 2.** 101.12 (4) of the statutes is created to read:

101.12 (4) (a) Except as provided in par. (b), any inspection performed to determine compliance with the rules promulgated by the department that relate to constructing, altering, or adding to public buildings and buildings that are places of

1 employment may be performed only by a person who is certified under rules  
2 promulgated by the department to make such inspections.

3 (b) The certification requirement under par. (a) does not apply to any of the  
4 following:

5 1. An inspection performed under s. 101.14 (2) (b) or (c) by an inspector who  
6 is designated under s. 101.14 (2) (d) to make such inspections.

7 2. An inspection performed by an inspector who has received certification  
8 under s. 101.14 (4r).

9 **SECTION 3.** 101.14 (4r) of the statutes is created to read:

10 101.14 (4r) (a) In this subsection, "fire detection, prevention, and suppression  
11 devices" has the meaning given in sub. (4) (g) 2.

12 (b) A person may perform inspections of fire detection, prevention, and  
13 suppression devices being installed during the construction or alteration of, or the  
14 addition to, public buildings and places of employment only if he or she has received  
15 certification as an inspector from the department.

16 (c) The department shall promulgate rules establishing procedures and  
17 requirements for issuing certifications for purposes of par. (b). The department shall  
18 include in the rules a requirement that the person hold a valid certification from the  
19 national fire protection association qualifying him or her as a certified fire inspector  
20 or that he or she hold a valid equivalent certification. The department shall include  
21 in the rules a list of equivalent certifications that will be recognized by the  
22 department.

23 <sup>ed</sup>  
(d) The department shall provide assistance to any nationwide or statewide  
24 organization that represents fire chiefs and that is engaged in providing training and

1 certification opportunities for persons seeking to receive certification by the  
2 department under this subsection.

3 **Insert 8-10**

4 **SECTION 4. Effective dates.** This act takes effect on the day after publication,  
5 except as follows:

6 (1) The treatment of section 101.14 (4r) (b) takes effect on the first day of the  
7 37th month beginning after publication.

**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2184/3dn

MGG:/:/:...

*Sac*

*- date -*

This redraft contains substantial revisions. Please review carefully. Also, please call me if you have any questions about how I structured this redraft.

I took out the language relating to property maintenance that was in s. 101.02 (7r) (e) and did not include similar language in s. 101.12 (4), because the bill no longer deals with "maintenance."

Mary Gibson-Glass  
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E-mail: mary.gibson-glass@legis.wisconsin.gov



State of Wisconsin  
2013 - 2014 LEGISLATURE



LRB-2184/37  
MGG:sac:10

KMR

2013 BILL

Today

Gen. Cat

1 AN ACT *to renumber* 101.12 (3) (am) 2. and 101.12 (3) (am) 4.; *to renumber and*  
2 *amend* 101.12 (3) (am) 1., 101.12 (3) (am) 3. and 101.12 (3) (am) 5.; *to amend*  
3 101.02 (15) (j) and 101.19 (1g) (am); and *to create* 15.407 (18), 101.02 (7r),  
4 101.023, 101.12 (3) (bq), 101.12 (3m) (d), 101.12 (3r), 101.12 (4) and 101.14 (4r)  
5 of the statutes; **relating to:** ordinances, variances, and rules relating to the  
6 constructing or altering of, or adding to, public buildings and buildings that are  
7 places of employment, the creation of a building code council, and inspections  
8 of public buildings and buildings that are places of employment, and granting  
9 rule-making authority.

---

***Analysis by the Legislative Reference Bureau***

With certain exceptions, current law requires the Department of Safety and Professional Services (DSPS) to establish reasonable standards or rules for the construction of public buildings and buildings that are places of employment (public buildings). Pursuant to this requirement, DSPS has promulgated rules establishing these construction standards. Also, the rules promulgated by DSPS require that DSPS review the construction plans for public buildings. In addition to reviewing new construction projects, the rules require that DSPS review, with limited

BILL <sup>an</sup>  
~~addition~~

exceptions, building projects that involve alterations of, and additions to, existing public buildings.

\* This bill prohibits a city, village, or town from enacting or enforcing an ordinance that establishes minimum standards for the construction or alteration of, or ~~additions to~~, public buildings unless that ordinance strictly conforms to the rules promulgated by DSPS. The bill creates an exception to this prohibition for ordinances relating to fire detection, prevention, or suppression (fire safety) for public buildings that are not multifamily dwellings and that were enacted before May 1, 2013.

Under current law, DSPS must accept the examinations of essential drawings and specifications (plan examinations) for public buildings that have been performed by first class cities or by second class cities that meet certain requirements relating to the competency of the persons performing the plan examinations. A first class city is one with a population of at least 150,000. A second class city is one with a population of at least 39,000 but less than 150,000. Also under current law, DSPS must accept reviews and determinations by first class cities regarding variances for public buildings if the reviews and determinations are performed in a manner approved by DSPS. This bill requires that DSPS accept variance reviews and determinations by second class cities that are certified by DSPS to perform plan examinations.

The bill authorizes DSPS to grant a variance from a standard contained in a rule for a specific project for the construction or alteration of, or an addition to, a public building if DSPS finds that the requested variance will impose an equivalent standard that meets the intent of the rule. However, DSPS may not grant a variance for a public building that is located in a first class or second class city that is authorized to perform plan examinations.

This bill creates a building code council (council) in DSPS to advise the DSPS about issues related to the construction, repair, and maintenance of public buildings. The council consists of ten members, appointed by the governor for three-year terms. The membership includes local building inspectors, building contractors, architects, and persons representing the skilled building trades and the fire fighting profession.

The bill specifies that inspections of construction, alteration and addition projects for public buildings, other than inspections of the installation of fire safety devices, must be performed by inspectors who are certified under rules promulgated by DSPS. The bill requires DNR to promulgate separate rules establishing requirements for inspections of fire safety devices that are being installed as part of these projects.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

---

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***



**BILL**

1           15.407 (18) BUILDING CODE COUNCIL. (a) There is created in the department of  
2       safety and professional services a building code council consisting of the following  
3       members appointed for 3-year terms:

4           1. Two members representing the skilled building trades, each of whom is  
5       actively engaged in his or her trade.

6           2. Two members representing local building inspectors, each of whom is  
7       authorized to do inspections under s. 101.12 (4) and who is employed by a city, village,  
8       or county.

9           3. Two members representing the fire services, each of whom is actively  
10      engaged in fire service work and at least one of whom is a fire chief.

11          4. Two members representing building contractors, each of whom is actively  
12      engaged in on-site construction of public buildings and buildings that are places of  
13      employment.

14          5. Two members representing architects, engineers, and designers, each of  
15      whom is actively engaged in the design or evaluation of public buildings and  
16      buildings that are places of employment.

17          (b) An employee of the department shall serve as nonvoting secretary of the  
18      council.

19          (c) The council shall meet at least 2 times annually.

20          (d) Six members of the council shall constitute a quorum. For the purpose of  
21      conducting business a majority vote of the council is required, except that at least 8  
22      members of the council are required to vote affirmatively to recommend changes in  
23      the statutes or rules.

24          **SECTION 2.** 101.02 (7r) of the statutes is created to read:

**BILL**

1           101.02 (7r) (a) Notwithstanding sub. (7) (a), no city, village, or town may enact  
2 or enforce an ordinance that establishes minimum standards for constructing,  
3 altering, or adding to public buildings or buildings that are places of employment  
4 unless that ordinance strictly conforms to the applicable rules under sub. (15) (j),  
5 except as provided in pars. (b) to (d).

6           (b) Notwithstanding par. (a), a town, village, or city may enforce an ordinance  
7 establishing minimum standards for constructing, altering, or adding to public  
8 buildings or buildings that are places of employment that does not strictly conform  
9 to the applicable rules promulgated by the department under sub. (15) (j) if all of the  
10 following apply:

11           1. The ordinance was enacted before May 1, 2013.

12           2. The ordinance was published by the town, village, or city in the manner  
13 required under s. 60.80, 61.50, or 62.11 (4).

14           3. The ordinance relates to fire detection, prevention, or suppression  
15 components of buildings.

16           4. The building is not a multifamily dwelling, as defined in s. 101.971 (2).

17           5. The ordinance is submitted to the department within 60 days after the  
18 effective date of this subdivision .... [LRB inserts date].

19           6. The department determines that the ordinance requires standards that are  
20 at least as strict as the rules promulgated by the department.

21           (c) A town, village, or city may amend an ordinance that is enforceable under  
22 par. (b) if all of the following apply:

23           1. The amendment will not broaden the applicability of the ordinance to any  
24 building components that are not subject to the ordinance under par. (b) 3.

BILL 2

*as required under subd. 1. after*  
*an*  
*For amendments submitted to the department*  
*under par. (c) 3., the department shall make it*  
*accessible within 10 working days of receiving the amend-*  
*ment.*

2. The amendment will not change the specific subject matter regulated by the ordinance.

3. The town, village, or city submits a copy of the enacted amendment to the department at least 120 days before the effective date of the amendment.

4. The town, village, or city publishes the enacted amendment in the manner required under s. 60.80, 61.50, or 62.11 (4) at least 120 days before the effective date of the amendment.

(8) (d) The department shall maintain a list of the ordinances that are enforceable under par. (b) and of the amendments that are enforceable under par. (c). The list shall be accessible to the public in electronic format, and shall include electronically photographed or scanned copies of the ordinances and amendments. The department shall make a copy of any amendment submitted to the department under par. (c) 3. accessible to the public on the department's Internet site.

SECTION 3. 101.02 (15) (j) of the statutes is amended to read:

101.02 (15) (j) The department shall ascertain, fix and order such reasonable standards or rules for the ~~construction, repair and maintenance of places of employment and~~ constructing, altering, adding to, repairing, and maintaining public buildings, ~~as shall~~ and places of employment in order to render them safe.

SECTION 4. 101.023 of the statutes is created to read:

**101.023 Building code council duties.** The building code council shall review the rules relating to constructing, altering, adding to, repairing, and maintaining public buildings and buildings that are places of employment. The council shall consider and make recommendations to the department pertaining to these rules and any other matters related to constructing, altering, adding to, repairing, and maintaining public buildings and buildings that are places of

**BILL****SECTION 4**

1 employment. In preparing rules under this chapter that relate to public buildings  
2 and to buildings that are places of employment, the department shall consult with  
3 the building code council.

4 **SECTION 5.** 101.12 (3) (am) 1. of the statutes is renumbered 101.12 (3) (am) and  
5 amended to read:

6 101.12 (3) (am) Accept the examination of essential drawings, calculations and  
7 specifications in accordance with sub. (1) performed by a 2nd class city ~~in conformity~~  
8 ~~with the requirements of this paragraph~~ that is certified pursuant to sub. (3m).

9 **SECTION 6.** 101.12 (3) (am) 2. of the statutes is renumbered 101.12 (3m) (a).

10 **SECTION 7.** 101.12 (3) (am) 3. of the statutes is renumbered 101.12 (3m) (b) and  
11 amended to read:

12 101.12 (3m) (b) A 2nd class city may apply for certification by the department  
13 ~~for the purposes of this paragraph~~ under this subsection if that city employs at least  
14 one architect or one professional engineer who has been granted a certificate of  
15 registration under s. 443.10. The department shall certify a 2nd class city when the  
16 department determines and certifies the competency of all examiners employed by  
17 the city. The department shall review the competency of the examiners of a city that  
18 is certified under this ~~paragraph~~ subsection on a regular basis and may revoke the  
19 certification of a city if the examiners do not meet standards specified by the  
20 department.

21 **SECTION 8.** 101.12 (3) (am) 4. of the statutes is renumbered 101.12 (3m) (c).

22 **SECTION 9.** 101.12 (3) (am) 5. of the statutes is renumbered 101.12 (3m) (e) and  
23 amended to read:

**BILL**

1           101.12 (3m) (e) The department shall by rule set fees, to be collected by the 2nd  
2    class city and remitted to the department, to meet the department's costs in enforcing  
3    and administering its duties under ~~this paragraph sub. (3) (am) and this subsection.~~

4           **SECTION 10.** 101.12 (3) (bq) of the statutes is created to read:

5           101.12 (3) (bq) Accept the review and determination performed by 2nd class  
6    cities that are certified pursuant to sub. (3m) on variances for buildings if the  
7    variances are reviewed and decided on in a manner approved by the department.

8           **SECTION 11.** 101.12 (3m) (d) of the statutes is created to read:

9           101.12 (3m) (d) The department shall certify 2nd class cities to perform reviews  
10   and determinations of variances under sub. (3) (bq) if the 2nd class city has been  
11   certified for purposes of sub. (3) (b).

12          **SECTION 12.** 101.12 (3r) of the statutes is created to read:

13          101.12 (3r) (a) An owner of a building may request, and the department may  
14   grant, a variance from standards contained in a rule relating to constructing,  
15   altering, and adding to public buildings and buildings that are places of employment  
16   if the department finds that the requested variance will impose an equivalent  
17   standard that meets the intent of the rule.

18          (b) Notwithstanding par. (a), the department may not grant a variance if the  
19   construction, alteration, or addition will be located in a city for which the department  
20   is required to accept and review determinations on variances under s. 101.12 (3) (bm)  
21   or (bq).

22          **SECTION 13.** 101.12 (4) of the statutes is created to read:

23          101.12 (4) (a) Except as provided in par. (b), any inspection performed to  
24   determine compliance with the rules promulgated by the department that relate to  
25   constructing, altering, or adding to public buildings and buildings that are places of

**BILL****SECTION 13**

1 employment may be performed only by a person who is certified under rules  
2 promulgated by the department to make such inspections.

3 (b) The certification requirement under par. (a) does not apply to any of the  
4 following:

5 1. An inspection performed under s. 101.14 (2) (b) or (c) by an inspector who is  
6 designated under s. 101.14 (2) (d) to make such inspections.

7 2. An inspection performed by an inspector who has received certification  
8 under s. 101.14 (4r).

9 **SECTION 14.** 101.14 (4r) of the statutes is created to read:

10 101.14 (4r) (a) In this subsection, “fire detection, prevention, and suppression  
11 devices” has the meaning given in sub. (4) (g) 2.

12 (b) A person may perform inspections of fire detection, prevention, and  
13 suppression devices being installed during the construction or alteration of, or the  
14 addition to, public buildings and places of employment only if he or she has received  
15 certification as an inspector from the department.

16 (c) The department shall promulgate rules establishing procedures and  
17 requirements for issuing certifications for purposes of par. (b). The department shall  
18 include in the rules a requirement that the person hold a valid certification from the  
19 national fire protection association qualifying him or her as a certified fire inspector  
20 I or that he or she hold a valid equivalent certification. The department shall include  
21 in the rules a list of equivalent certifications that will be recognized by the  
22 department.

23 (d) The department shall provide assistance to any nationwide or statewide  
24 organization that represents fire chiefs and that is engaged in providing training and

**BILL**

1 certification opportunities for persons seeking to receive certification by the  
2 department under this subsection.

3 **SECTION 15.** 101.19 (1g) (am) of the statutes is amended to read:

4 101.19 (1g) (am) The services specified by s. 101.12 (3) (am) and (bq) and (3m).

5 **SECTION 16. Nonstatutory provisions.**

6 (1) COUNCIL; TERMS OF INITIAL MEMBERS. Notwithstanding the length of terms  
7 specified in section 15.407 (18) (a) (intro.) of the statutes, as created by this act, the  
8 initial members of the building code council under section 15.407 (18) of the statutes,  
9 as created by this act, shall be appointed by the governor for the following terms:

10 (a) One member appointed under section 15.407 (18) (a) 2. of the statutes, as  
11 created by this act, one member appointed under section 15.407 (18) (a) 3. of the  
12 statutes, as created by this act, one member appointed under section 15.407 (18) (a)  
13 4. of the statutes, as created by this act, and one member appointed under section  
14 15.407 (18) (a) 5. of the statutes, as created by this act, for terms expiring on July 1,  
15 2017.

16 (b) One member appointed under section 15.407 (18) (a) 1. of the statutes, as  
17 created by this act, one member appointed under section 15.407 (18) (a) 2. of the  
18 statutes, as created by this act, and one member appointed under section 15.407 (18)  
19 (a) 4. of the statutes, as created by this act, for terms expiring on July 1, 2016.

20 (c) One member appointed under section 15.407 (18) (a) 1. of the statutes, as  
21 created by this act, one member appointed under section 15.407 (18) (a) 3. of the  
22 statutes, as created by this act, one member appointed under section 15.407 (18) (a)  
23 5. of the statutes, as created by this act, for terms expiring on July 1, 2015.

24 **SECTION 17. Effective dates.** This act takes effect on the day after publication,  
25 except as follows:

# BILL

1           (1) The treatment of section 101.14 (4r) (b) takes effect on the first day of the  
2       37th month beginning after publication.

3 (END)



**DRAFTER'S NOTE  
FROM THE  
LEGISLATIVE REFERENCE BUREAU**

LRB-2184/8<sup>re 4</sup>dn  
MGG:sac:jf

February 5, 2014

not sent with 1/3  
b/c 1/3 not sent to  
neg. committee. Do send  
as with 1/4  
per MGG.

This redraft contains substantial revisions. Please review carefully. Also, please call me if you have any questions about how I structured this redraft.

I took out the language relating to property maintenance that was in s. 101.02 (7r) (e) and did not include similar language in s. 101.12 (4), because the bill no longer deals with "maintenance."

Mary Gibson-Glass  
Senior Legislative Attorney  
Phone: (608) 267-3215  
E-mail: mary.gibson-glass@legis.wisconsin.gov

**DRAFTER'S NOTE**  
**FROM THE**  
**LEGISLATIVE REFERENCE BUREAU**

LRB-2184/4dn  
MGG:sac:rs

February 5, 2014

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## Gibson-Glass, Mary

---

**From:** Duerkop, Nathan  
**Sent:** Thursday, February 06, 2014 3:25 PM  
**To:** Gibson-Glass, Mary  
**Subject:** FW: New draft  
**Attachments:** 13-2184\_4.pdf; 13-2184\_4dn.pdf

for / 5

Hi Mary,

Here are some suggested revisions to your latest draft. Please let us know if these require further clarification. Thanks,

Nathan

---

**From:** Pat Osborne [mailto:osborne@hamilton-consulting.com]  
**Sent:** Thursday, February 06, 2014 3:00 PM  
**To:** Duerkop, Nathan; Lundquist, Tim  
**Cc:** John Mielke  
**Subject:** New draft

We have 3 changes we feel should be made to the LRB 2184/4:

1. As pointed out in the drafter's note on LRB 2184/4 --- the provision from prior drafts that identified that uniformity did not apply to a property maintenance code has been deleted in this redraft because it is deemed unnecessary, since maintenance references have been deleted.

Even if it is superfluous, we believe the provision should be retained to provide clarity and assurance to the fire chiefs and fire protection interests who were concerned that the uniform commercial building code not affect local ordinance authority relating to a property maintenance code.

**We recommend that s. 101.02 (7r) (e) be reinserted on page 5, after line 12, to read:— "(e) Notwithstanding par. (a), a town, village, or city may enact and enforce an ordinance establishing a property maintenance code that is stricter than rules promulgated by the department under sub. (15) (j)."**

2. In the new draft, there is a new provision contained in Section 12, page 7, lines 15-18. That provision outright prohibits the department from granting a variance in a certified municipality. My understanding is that currently, if a variance is not approved by an approved municipality, an owner may appeal to the department. I don't think we want to impact or negate that current appeal process and should simply delete the new provision.

**We recommend that lines 15 through 18 on page 7 of LRB 2184/4 be deleted.**

Accordingly, if you make this change, the bill analysis should be modified to delete the sentence on page 2, 3<sup>rd</sup> full paragraph, which reads: --- "However, DSPS may not grant a variance for a public building that is located in a first class or second class city that is authorized to perform plan examinations."

3. On page 8, lines 14-20, relating to department rules for a new inspection certification — we recommend the following:

After "certification" on line 18, Insert --- "as determined by the department."  
Delete the rest of line 18 that begins with "The department ..." and delete lines 19 and 20.

With those changes, the provision would be more consistent with the discussions to date on that issue. It would also provide more flexibility for the department to promptly recognize an equivalent certification, in the event NFPA exited the certification business or other entities established credible, equivalent certification.

✓ **One side note:** In the analysis, on page 2, 2<sup>nd</sup> to the last paragraph of the analysis --- the last sentence in that paragraph begins with --- "The bill requires DNR to promulgate separate rules ... " The reference to "DNR" should be changed to "DSPS".

Thank you for your consideration of these suggested changes.

Pat Osborne

**The Hamilton Consulting Group, LLC.**

10 East Doty Street, Suite 500

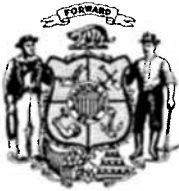
Madison, WI 53703

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[www.hamilton-consulting.com](http://www.hamilton-consulting.com)



State of Wisconsin  
2013 - 2014 LEGISLATURE

*True*



*RMR*

LRB-2184/4 5

MGG:sac:rs

*de*

2013 BILL

*Now*

*gen cat*

1 AN ACT *to renumber* 101.12 (3) (am) 2. and 101.12 (3) (am) 4.; *to renumber and*  
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4 101.023, 101.12 (3) (bq), 101.12 (3m) (d), 101.12 (3r), 101.12 (4) and 101.14 (4r)  
5 of the statutes; **relating to:** ordinances, variances, and rules relating to the  
6 constructing or altering of, or adding to, public buildings and buildings that are  
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***Analysis by the Legislative Reference Bureau***

With certain exceptions, current law requires the Department of Safety and Professional Services (DPS) to establish reasonable standards or rules for the construction of public buildings and buildings that are places of employment (public buildings). Pursuant to this requirement, DPS has promulgated rules establishing these construction standards. Also, the rules promulgated by DPS require that DPS review the construction plans for public buildings. In addition to reviewing new construction projects, the rules require that DPS review, with limited

**BILL**

exceptions, building projects that involve alterations of, and additions to, existing public buildings.

This bill prohibits a city, village, or town from enacting or enforcing an ordinance that establishes minimum standards for the construction or alteration of, or an addition to, a public building unless that ordinance strictly conforms to the rules promulgated by DSPS. The bill creates an exception to this prohibition for certain ordinances relating to fire detection, prevention, or suppression (fire safety) for public buildings that are not multifamily dwellings and that were enacted before May 1, 2013.

Under current law, DSPS must accept the examinations of essential drawings and specifications (plan examinations) for public buildings that have been performed by first class cities or by second class cities that meet certain requirements relating to the competency of the persons performing the plan examinations. A first class city is one with a population of at least 150,000. A second class city is one with a population of at least 39,000 but less than 150,000. Also under current law, DSPS must accept reviews and determinations by first class cities regarding variances for public buildings if the reviews and determinations are performed in a manner approved by DSPS. This bill requires that DSPS accept variance reviews and determinations by second class cities that are certified by DSPS to perform plan examinations.

The bill authorizes DSPS to grant a variance from a standard contained in a rule for a specific project for the construction or alteration of, or an addition to, a public building if DSPS finds that the requested variance will impose an equivalent standard that meets the intent of the rule. However, DSPS may not grant a variance for a public building that is located in a first class or second class city that is authorized to perform plan examinations.

This bill creates a building code council (council) in DSPS to advise the DSPS about issues related to the construction, repair, and maintenance of public buildings. The council consists of ten members, appointed by the governor for three-year terms. The membership includes local building inspectors, building contractors, architects, and persons representing the skilled building trades and the fire fighting profession.

The bill specifies that inspections of construction, alteration and addition projects for public buildings, other than inspections of the installation of fire safety devices, must be performed by inspectors who are certified under rules promulgated by DSPS. The bill requires DSPS to promulgate separate rules establishing requirements for inspections of fire safety devices that are being installed as part of these projects.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

***The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:***

**BILL**

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5       actively engaged in his or her trade.

6           2. Two members representing local building inspectors, each of whom is  
7       authorized to do inspections under s. 101.12 (4) and who is employed by a city, village,  
8       or county.

9           3. Two members representing the fire services, each of whom is actively  
10      engaged in fire service work and at least one of whom is a fire chief.

11          4. Two members representing building contractors, each of whom is actively  
12      engaged in on-site construction of public buildings and buildings that are places of  
13      employment.

14          5. Two members representing architects, engineers, and designers, each of  
15      whom is actively engaged in the design or evaluation of public buildings and  
16      buildings that are places of employment.

17          (b) An employee of the department shall serve as nonvoting secretary of the  
18      council.

19          (c) The council shall meet at least 2 times annually.

20          (d) Six members of the council shall constitute a quorum. For the purpose of  
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24          **SECTION 2.** 101.02 (7r) of the statutes is created to read:

**BILL****SECTION 2**

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2 or enforce an ordinance that establishes minimum standards for constructing,  
3 altering, or adding to public buildings or buildings that are places of employment  
4 unless that ordinance strictly conforms to the applicable rules under sub. (15) (j),  
5 except as provided in pars. (b) to (d).

6           (b) Notwithstanding par. (a), a town, village, or city may enforce an ordinance  
7 establishing minimum standards for constructing, altering, or adding to public  
8 buildings or buildings that are places of employment that does not strictly conform  
9 to the applicable rules under sub. (15) (j) if all of the following apply:

10           1. The ordinance was enacted before May 1, 2013.

11           2. The ordinance was published by the town, village, or city in the manner  
12 required under s. 60.80, 61.50, or 62.11 (4).

13           3. The ordinance relates to fire detection, prevention, or suppression  
14 components of buildings.

15           4. The building is not a multifamily dwelling, as defined in s. 101.971 (2).

16           5. The ordinance is submitted to the department within 60 days after the  
17 effective date of this subdivision .... [LRB inserts date].

18           6. The department determines that the ordinance requires standards that are  
19 at least as strict as the rules promulgated by the department.

20           (c) A town, village, or city may amend an ordinance that is enforceable under  
21 par. (b) if all of the following apply:

22           1. The amendment will not broaden the applicability of the ordinance to any  
23 building components that are not subject to the ordinance under par. (b) 3.

24           2. The amendment will not change the specific subject matter regulated by the  
25 ordinance.



**BILL**

1           3. The town, village, or city submits a copy of the enacted amendment to the  
2 department at least 120 days before the effective date of the amendment.

3           4. The town, village, or city publishes the enacted amendment in the manner  
4 required under s. 60.80, 61.50, or 62.11 (4) at least 120 days before the effective date  
5 of the amendment.

6           (d) 1. The department shall maintain a list of the ordinances that are  
7 enforceable under par. (b) and of the amendments that are enforceable under par. (c).  
8 The list shall be accessible to the public in electronic format, and shall include  
9 electronically photographed or scanned copies of the ordinances and amendments.

10           2. For an amendment submitted to the department under par. (c) 3., the  
11 department shall make it accessible as required under subd. 1. within 10 working  
12 days after receiving the amendment.

13           **SECTION 3.** 101.02 (15) (j) of the statutes is amended to read:

14           101.02 (15) (j) The department shall ascertain, fix and order such reasonable  
15 standards or rules for ~~the construction, repair and maintenance of places of~~  
16 ~~employment and~~ constructing, altering, adding to, repairing, and maintaining  
17 ~~public buildings, as shall~~ and places of employment in order to render them safe.

18           **SECTION 4.** 101.023 of the statutes is created to read:

19           **101.023 Building code council duties.** The building code council shall  
20 review the rules relating to constructing, altering, adding to, repairing, and  
21 maintaining public buildings and buildings that are places of employment. The  
22 council shall consider and make recommendations to the department pertaining to  
23 these rules and any other matters related to constructing, altering, adding to,  
24 repairing, and maintaining public buildings and buildings that are places of  
25 employment. In preparing rules under this chapter that relate to public buildings

**BILL****SECTION 4**

1 and to buildings that are places of employment, the department shall consult with  
2 the building code council.

3 **SECTION 5.** 101.12 (3) (am) 1. of the statutes is renumbered 101.12 (3) (am) and  
4 amended to read:

5 101.12 (3) (am) Accept the examination of essential drawings, calculations and  
6 specifications in accordance with sub. (1) performed by a 2nd class city ~~in conformity~~  
7 ~~with the requirements of this paragraph~~ that is certified pursuant to sub. (3m).

8 **SECTION 6.** 101.12 (3) (am) 2. of the statutes is renumbered 101.12 (3m) (a).

9 **SECTION 7.** 101.12 (3) (am) 3. of the statutes is renumbered 101.12 (3m) (b) and  
10 amended to read:

11 101.12 (3m) (b) A 2nd class city may apply for certification by the department  
12 ~~for the purposes of this paragraph~~ under this subsection if that city employs at least  
13 one architect or one professional engineer who has been granted a certificate of  
14 registration under s. 443.10. The department shall certify a 2nd class city when the  
15 department determines and certifies the competency of all examiners employed by  
16 the city. The department shall review the competency of the examiners of a city that  
17 is certified under this ~~paragraph~~ subsection on a regular basis and may revoke the  
18 certification of a city if the examiners do not meet standards specified by the  
19 department.

20 **SECTION 8.** 101.12 (3) (am) 4. of the statutes is renumbered 101.12 (3m) (c).

21 **SECTION 9.** 101.12 (3) (am) 5. of the statutes is renumbered 101.12 (3m) (e) and  
22 amended to read:

23 101.12 (3m) (e) The department shall by rule set fees, to be collected by the 2nd  
24 class city and remitted to the department, to meet the department's costs in enforcing  
25 and administering its duties under ~~this paragraph~~ sub. (3) (am) and this subsection.

**BILL**

**SECTION 10.** 101.12 (3) (bq) of the statutes is created to read:

101.12 (3) (bq) Accept the review and determination performed by 2nd class cities that are certified pursuant to sub. (3m) on variances for buildings if the variances are reviewed and decided on in a manner approved by the department.

**SECTION 11.** 101.12 (3m) (d) of the statutes is created to read:

101.12 (3m) (d) The department shall certify 2nd class cities to perform reviews and determinations of variances under sub. (3) (bq) if the 2nd class city has been certified for purposes of sub. (3) (b).

**SECTION 12.** 101.12 (3r) of the statutes is created to read:

101.12 (3r) (a) An owner of a building may request, and the department may grant, a variance from standards contained in a rule relating to constructing, altering, and adding to public buildings and buildings that are places of employment if the department finds that the requested variance will impose an equivalent standard that meets the intent of the rule.

(b) Notwithstanding par. (a), the department may not grant a variance if the construction, alteration, or addition will be located in a city for which the department is required to accept and review determinations on variances under s. 101.12 (3) (bm) or (bq).

**SECTION 13.** 101.12 (4) of the statutes is created to read:

101.12 (4) (a) Except as provided in par. (b), any inspection performed to determine compliance with the rules promulgated by the department that relate to constructing, altering, or adding to public buildings and buildings that are places of employment may be performed only by a person who is certified under rules promulgated by the department to make such inspections.

## BILL

## SECTION 13

(b) The certification requirement under par. (a) does not apply to any of the following:

1. An inspection performed under s. 101.14 (2) (b) or (c) by an inspector who is designated under s. 101.14 (2) (d) to make such inspections.

2. An inspection performed by an inspector who has received certification under s. 101.14 (4r). *issued by other entities will qualify as valid equivalent certifications*

SECTION 14. 101.14 (4r) of the statutes is created to read:

101.14 (4r) (a) In this subsection, "fire detection, prevention, and suppression devices" has the meaning given in sub. (4) (g) 2.

(b) A person may perform inspections of fire detection, prevention, and suppression devices being installed during the construction or alteration of, or the addition to, public buildings and places of employment only if he or she has received certification as an inspector from the department.

(c) The department shall promulgate rules establishing procedures and requirements for issuing certifications for purposes of par. (b). The department shall include in the rules a requirement that the person hold a valid certification from the national fire protection association qualifying him or her as a certified fire inspector

I or that he or she hold a valid equivalent certification. *§ 2.* The department shall ~~include~~

*determine which* ~~in the rules a list of equivalent~~ certifications ~~that will be recognized by the~~

~~department~~ *Notwithstanding s. 227.10(1), determinations under this subdivision shall not be promulgated as rules.*

(d) The department shall provide assistance to any nationwide or statewide organization that represents fire chiefs and that is engaged in providing training and certification opportunities for persons seeking to receive certification by the department under this subsection.

SECTION 15. 101.19 (1g) (am) of the statutes is amended to read:

**BILL**

101.19 (1g) (am) The services specified by s. 101.12 (3) (am) and (bq) and (3m).

**SECTION 16. Nonstatutory provisions.**

(1) COUNCIL; TERMS OF INITIAL MEMBERS. Notwithstanding the length of terms specified in section 15.407 (18) (a) (intro.) of the statutes, as created by this act, the initial members of the building code council under section 15.407 (18) of the statutes, as created by this act, shall be appointed by the governor for the following terms:

(a) One member appointed under section 15.407 (18) (a) 2. of the statutes, as created by this act, one member appointed under section 15.407 (18) (a) 3. of the statutes, as created by this act, one member appointed under section 15.407 (18) (a) 4. of the statutes, as created by this act, and one member appointed under section 15.407 (18) (a) 5. of the statutes, as created by this act, for terms expiring on July 1, 2017.

(b) One member appointed under section 15.407 (18) (a) 1. of the statutes, as created by this act, one member appointed under section 15.407 (18) (a) 2. of the statutes, as created by this act, and one member appointed under section 15.407 (18) (a) 4. of the statutes, as created by this act, for terms expiring on July 1, 2016.

(c) One member appointed under section 15.407 (18) (a) 1. of the statutes, as created by this act, one member appointed under section 15.407 (18) (a) 3. of the statutes, as created by this act, one member appointed under section 15.407 (18) (a) 5. of the statutes, as created by this act, for terms expiring on July 1, 2015.

**SECTION 17. Effective dates.** This act takes effect on the day after publication, except as follows:

(1) The treatment of section 101.14 (4r) (b) takes effect on the first day of the 37th month beginning after publication.

(END)

**BILL**Insert for 5

1 shall be accessible to the public in electronic format, and shall include electronically  
2 photographed or scanned copies of the ordinances and amendments.

3 (e) Notwithstanding par. (a), a town, village, or city may enact and enforce an  
4 ordinance establishing a property maintenance code that is stricter than rules  
5 promulgated by the department under sub. (15) (j). INSERT 5-12

6 **SECTION 3.** 101.023 of the statutes is created to read:

7 **101.023 Building code council duties.** The building code council shall  
8 review the rules for construction, repair, and maintenance of public buildings and  
9 buildings that are places of employment. The council shall consider and make  
10 recommendations to the department pertaining to these rules and any other matters  
11 related to the construction, repair, and maintenance of public buildings and  
12 buildings that are places of employment. The council shall identify, consider, and  
13 make recommendations to the department regarding variances in the rules for  
14 different climate and soil conditions and the variable conditions created by building  
15 and population densities. In preparing rules under this chapter that relate to public  
16 buildings and to buildings that are places of employment, the department shall  
17 consult with the building code council.

18 **SECTION 4.** 101.024 of the statutes is created to read:

19 **101.024 Compliance with rules for public buildings and places of**  
20 **employment; variances.** A contractor applying for a building permit may request,  
21 and the department may grant, a variance from standards contained in a rule  
22 relating to construction, repair, and maintenance of public buildings and buildings  
23 that are places of employment if the department finds that the requested variance  
24 will impose an equivalent standard that meets the intent of the rule.

**Parisi, Lori**

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**From:** Duerkop, Nathan  
**Sent:** Tuesday, February 11, 2014 10:39 AM  
**To:** LRB.Legal  
**Subject:** Draft Review: LRB -2184/5 Topic: Ordinances setting building standards

Please Jacket LRB -2184/5 for the SENATE.